

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**DAVID M BURK**  
Claimant

**APPEAL 15A-UI-07047-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/01/15  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) - Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 17, 2015, reference 02, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made but did not deny benefits for that week. Claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

**ISSUE:**

The issue is whether the warning to make two or more in-person job contacts per week is appropriate.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of March 15, 2015. During the week ending June 13, 2015 the claimant inadvertently indicated that he had not make the required weekly work searches. He had made the required searches as is indicated in his appeal letter.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept

suitable work of § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending June 13, 2015 and did make the required work searches. Accordingly, the warning was inappropriate.

**DECISION:**

The June 17, 2015, reference 02, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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